

ORIGINAL
FILE
RECEIVED
DEC 14 1992

BEFORE THE

Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20554

In the Matter of)
Billed Party Preference) CC Docket No. 92-77
for 0+ InterLATA Calls) Phase I

COMMENTS OF NATIONAL TELE-SAV, INC.

National Tele-Sav, Inc. ("NTI"), by its undersigned attorneys, hereby submits comments in support of the proposal contained in the Report and Order and Request for Supplemental Comment issued in the above-captioned rulemaking ^{1/} to compensate operator service providers ("OSPs") like NTI who continue to receive "0+" access calls from cardholders of American Telephone and Telegraph Company's ("AT&T") proprietary Card Issuer Identifier ("CIID") cards.

I. INTRODUCTION

1. NTI is a small interexchange carrier ("IXC") whose principal business is the provision of telecommunications services, including operator services to visitors to Myrtle Beach, South Carolina and the neighboring coastal resorts. Approximately 98% of NTI's traffic originates from hotels and motels.

^{1/} Billed Party Preference for 0+ InterLATA Calls, FCC 92-465, CC Docket No. 92-77, Phase I (released November 6, 1992) ("Request").

044
044

2. The percentage of calls that NTI cannot complete has grown dramatically since AT&T's introduction of its "0+" proprietary CIID cards. Approximately 20% of NTI's calls are received from customers who wish to charge operator-assisted cards to their CIID cards. When NTI operators receive these calls, they instruct the callers how to reach an AT&T operator, a form of informational transfer. Provision of this transfer service results in substantial costs to NTI from the use of access and transport facilities, its switch and other facilities, and usually operator time as well. This service is especially costly to NTI because it requires live operator intervention whenever callers do not input their calling card numbers. On average, it takes NTI operators approximately as much time to instruct callers how to access AT&T as it takes them to complete an operator-assisted call.

3. NTI must, as a practical matter, provide these transfer services to AT&T in order to avoid the substantial customer confusion and aggregator anger that would otherwise result.^{2/} The Commission concluded in the Request that the introduction of AT&T's CIID cards has created "an immediate competitive problem" that forces competitors "to devote their facilities to uncompleteable and therefore unbillable CIID card calls," and that "[t]his problem cannot be eliminated unilaterally by AT&T's competitors."^{3/} In view of this, the Commission should promptly

^{2/} Id. at para. 25.

^{3/} Id.

solve this problem by ordering AT&T to compensate other OSPs for the transfer services they provide to AT&T's customers.

II. COMPENSATION SHOULD BE ORDERED FOR ALL TYPES OF TRANSFER SERVICES AND EACH OSP CAN SELECT THE APPROPRIATE SERVICE OR SERVICES TO PROVIDE

4. The Commission should require AT&T to compensate other OSPs for the activities associated with handling and transferring CIID card calls which reach their networks. Although NTI provides an informational transfer service, NTI is aware that other carriers rely on different transfer methods. Rather than further delaying compensation by trying to select only one or two methods, the FCC should immediately order compensation for all currently feasible transfer services on a carrier-specific basis and let OSPs decide on an individual basis which service or services to provide. Moreover, as new types of transfer services become available in the future, the Commission should order compensation for them as well.

5. NTI supports recent industry efforts to reach a FCC-supervised solution to compensation issues. In its efforts to encourage industry consensus, however, the FCC must not abdicate its responsibility to remedy the "immediate competitive problem" caused by AT&T's CIID cards and must not allow AT&T to dictate the terms of the compensation. Accordingly, if negotiations do not result in a solution acceptable to OSPs prior to the end of the deadline for filing reply comments in this proceeding, the Commission should step in, resolve all remaining issues, and immediately order compensation to be paid.

CERTIFICATE OF SERVICE

I, Joan T. Prouty, hereby certify that a copy of the foregoing Comments of National Tele-Sav, Inc. has been served by hand this 14th day of December 1992 on the following:

Hon. Alfred C. Sikes
Chairman
Federal Communications
Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

Hon. Sherrie P. Marshall
Commissioner
Federal Communications
Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Hon. Ervin S. Duggan
Commissioner
Federal Communications
Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Gregory J. Vogt, Esq.
Chief, Tariff Division,
Common Carrier Bureau
Federal Communications
Commission
1919 M Street, N.W., Room 518
Washington, D.C. 20554

Colleen Boothby, Esq.
Associate Chief,
Tariff Division
Common Carrier Bureau
Federal Communications
Commission
1919 M Street, N.W., Room 518
Washington, D.C. 20554

Downtown Copy Center
Federal Communications
Commission
1919 M Street, N.W.,
Room 246
Washington, D.C. 20554

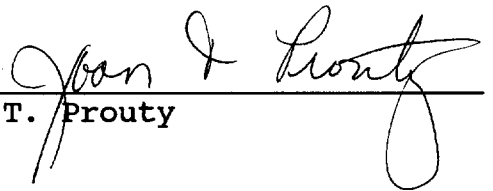
Hon. James H. Quello
Commissioner
Federal Communications
Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

Hon. Andrew C. Barrett
Commissioner
Federal Communications
Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

Cheryl A. Tritt, Esq.
Chief, Common Carrier Bureau
Federal Communications
Commission
1919 M Street, N.W., Room 500
Washington, D.C. 20554

Jill Ross Meltzer
Associate Bureau Chief
Common Carrier Bureau
Federal Communications
Commission
1919 M Street, N.W., Room 518
Washington, D.C. 20554

Tariff Division (2 copies)
Common Carrier Bureau
Federal Communications
Commission
1919 M Street, N.W., Room 518
Washington, D.C. 20554


Joan T. Prouty